

Read 1 Feb. 1765

England - Parliament [Bills - II
George III].

[1]

11(3)



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[With the Amendments]

To enable Ecclesiastical Persons, and Bodies Politick, Corporate, and Collegiate, to exchange their Lands, under certain Restrictions therein to be limited.

N B. *The Words printed in Italic, and between Brackets, were inserted by the Committee; and the Clauses marked A, B, C, were added by the Committee.*

Note.—*The Figures in the Margin denote the Number of the Folio in the written Copy.*



HEREAS divers Ecclesiastical Persons; and Bodies Politick, Corporate, and Collegiate, within this Realm, are seised of divers Messuages, Lands, and Rights of Common, which interfere with the Messuages and Lands of other Persons, so that neither the Possessions of the said Ecclesiastical Persons and Corporations, nor those of the other Proprietors, can be duly improved or cultivated.

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And

And whereas, by the Laws now in being, the said Ecclesiastical Persons and Corporations are restrained from exchanging their Estates, although such Exchange would often be mutually advantageous to both the Parties concerned.

May it therefore please your MAJESTY;

- That it may be Enacted; And be it Enacted, by the KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by Authority of the same,
- 2 That from and after [*the Twenty-fourth Day of June One thousand Seven hundred and Sixty-five*] it shall and may be lawful to and for any Archbishop, or Bishop, Master and Fellows of any College, or any other Head and Members of any College [*or Hall within either of the Universities of Oxford or Cambridge*], by what Name soever incorporated; or any Dean and Chapter of any Cathedral, or Collegiate Church; Master or Guardian of any Hospital; Parson, Vicar, or any other having any Spiritual or Ecclesiastical Living; to make any Exchange or Exchanges of any Messuages, Lands, or Rights of Common, [*or any Part of them*] being Parcel of the Possessions of their respective Archbishopricks, Bishopricks, Colleges [*Halls*], Cathedral Churches, Chapels, Hospitals, Parsonages, Vicarages, or other Spiritual Promotions, or any ways appertaining or belonging to the same, or any of them, to and with any Proprietor or Proprietors, being seised in Fee Simple of any other Messuages or Lands, situate, lying, and being within the same Parish, wherein the said Messuages, Lands, or Rights of Common, belonging to such Archbishopricks, Bishopricks, Colleges [*Halls*], Cathedral Churches, Chapels, Hospitals, Parsonages, Vicarages, or other Spiritual Promotions, shall respectively be situate or lie, any Law, Bye-Law, Local Statute, or Ordinance, Usage, Custom, or Act of Parliament, to the contrary thereof notwithstanding.
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Provided always, That such Messuages, Lands, or Rights of Common, belonging to any One such Ecclesiastical Person, or Body Politick, Corporate, or Collegiate, [*or to any one such Trustee or Set of Trustees, for any charitable Use or Uses*] so to be exchanged

exchanged by virtue of this Act, within any one and the same Parish, shall not, in the whole, exceed the annual Value of [Forty Pounds] according to the extended Rack Rent thereof; and that the Messuages or Lands so to be taken in Exchange for the same, shall be equal at the least in Valuation (at the Time when such Exchange shall be made) to the Messuages, Lands, or Rights of Common, so to be given in Exchange by such Ecclesiastical Person, or Body Politick, Corporate, or Collegiate [or Trustee or Trustees, for any charitable Use or Uses]; and shall not exceed the same in a greater Proportion than [One Fourth] Part of the whole.

CLAUSE A.

And whereas divers Persons and Corporations are seised in Trust for some charitable Use or Uses of Messuages, Lands, and Rights of Common which interfere in like Manner with the Messuages and Lands of other Persons, and are subject to the like Inconveniencies, and the said Persons and Corporations would be willing to exchange the same, if duly authorized and indemnified: Be it therefore further Enacted, That from and after the said Twenty-fourth Day of June, it shall and may be lawful to and for any Person or Persons, Corporations, or Bodies Politic, seised in Trust for any charitable Use or Uses, of any Messuages, Lands, or Rights of Common, to make any Exchange or Exchanges of the same, or any Part of them, to and with any Proprietor or Proprietors, being seised in Fee Simple of any other Messuages or Lands, situate, lying, and being within the same Parish wherein the said Messuages, Lands, or Rights of Common, so holden in Trust for such charitable Use or Uses, shall respectively be situate, or lie, and that the said Person or Persons, Corporations, or Bodies Politic, respectively, shall be fully indemnified for so doing, by virtue and under the Authority of this Act, any Law, Statute, or Usage to the contrary thereof notwithstanding.

Provided also, and it is hereby further Enacted, That all and every Exchange and Exchanges to be made in pursuance of this Act, shall be made by Deed or Deeds indented, whereof Notice in Writing [(to be proved at the Assizes, as herein after mentioned, and not elsewhere)] shall be affixed on the principal

principal Church Door of the Parish wherein such Messuages, Lands, or Rights of Common, shall be situate or lie; and the said Deed or Deeds of Exchange [*on due Proof of such Notice, and of the respective Values of the Premises so to be exchanged, which Proof shall be final and conclusive to all Parties*] shall be allowed by One of the Judges of Assize, under his Hand, on the Back of the same, upon Motion to him made in open Court, at the next Assizes which shall be holden after [*One Calendar Month*] from the Time of such Notice given, for the County, City, or Place, wherein such Messuages, Lands, or Rights of Common shall be situate or lie, unless good Cause be shewn to the contrary, upon publick Proclamation to be made for that Purpose at the said Assizes; and the same shall be inrolled in some of His Majesty's Courts of Record at Westminster, within [*Six Calendar Months*] from and after the said Allowance [*or otherwise such Exchange or Exchanges shall be totally void, any Thing herein contained to the contrary thereof notwithstanding*].

5 Provided also, That no such Exchange, so to be made by any Parson, Vicar, or perpetual Curate, shall be good and effectual in Law, unless the same be approved by the Person or Persons [*Bodies Politick, Corporate, or Collegiate*], who shall, for the Time being, be seised of the Advowson of [*or Nomination to*] such Parsonage, Vicarage, or Curacy, and by the Bishop or other Ordinary of the Diocese or Place wherein such Parsonage, Vicarage, or Curacy shall lie; [*nor shall any such Exchange so to be made by any other Person or Persons, Bodies Politick, Corporate, or Collegiate, be good and effectual in Law, unless the same be approved by the Bishop or other Ordinary of the Diocese or Place wherein such Messuages, Lands, or Rights of Common so to be exchanged, shall be situate or lie;*] which Approbation shall be testified by such Patron and Bishop, or other Ordinary, being made Parties to, and by their sealing and delivering such Deed of Exchange, as aforesaid.

CLAUSE B.

Provided always, and be it further Enacted by the Authority aforesaid, That all and every Exchange and Exchanges, which on or before the First Day of March 1765, shall have been made by any Parson, Vicar, or perpetual Curate, of any Messuages, Lands,

Lands, Tenements, or Hereditaments, to and with any other Person or Persons being seised in Fee Simple, which Exchange or Exchanges shall have been approved of by the Person or Persons, Bodies Politic, Corporate, or Collegiate, then seised of the Advowson of, or Right of Nomination to the said Parsonage, Vicarage, or Curacy, and the Bishop, or other Ordinary of the Diocese or Place, wherein such Parsonage, Vicarage, or Curacy doth lie, shall be good and valid in Law, and is hereby ratified and confirmed, any Law or Statute to the contrary notwithstanding. Provided always, That nothing herein contained shall extend, or be construed to extend, to confirm or render valid any such Exchange, where any Suit shall have been commenced, and shall be depending at the Time of the passing of this Act, in any Court of Law or Equity touching or concerning the same.

CLAUSE C.

And whereas divers Ecclesiastical Persons, and Bodies Politic, Corporate, and Collegiate, are or may be seised of Lands, Tenements, or Hereditaments, in Trust only for other Persons, without any beneficial Interest resulting to themselves from the same, and Doubts have arisen, whether by the Laws now in being, such Ecclesiastical Persons or Bodies Politic, Corporate, or Collegiate, can convey or assign the same; Be it therefore Enacted, That from and after the said Twenty-fourth Day of June, it shall and may be lawful to and for any Ecclesiastical Person, or Body Politic, Corporate, or Collegiate, being seised of any Lands, Tenements, or Hereditaments, in Trust only for other Persons, without any beneficial Right or Interest resulting to themselves from the same, to convey, assign, or assure such Lands, Tenements, or Hereditaments, under the Direction of His Majesty's High Court of Chancery, signified by an Order to be made on the Petition of any Party or Parties concerned, to any other Person or Persons whatsoever, for such Uses, Intents, and Purposes, as the said Court of Chancery shall direct, in like Manner as any other Trustee or Trustees, may convey, assign, or assure, such Lands, Tenements, or Hereditaments, as are vested in them or any of them respectively.

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